



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition (MD) No.9168 of 2016
and
W.M.P(MD) Nos.7310 and 7311 of 2016

M.E.Bhasir Khan

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The Commissioner,
Mandapam Panchayat Union Office,
Uchipuli, Ramanathapuram District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records pertains to the impugned order passed by the 2nd respondent dated 21.04.2016 in Na.Ka. Aa2/4242/2015 and quash the same.

For Petitioner

: Mr.C.Muthusaravanan

For Respondents

: Mr.C.Selvaraj,
Special Government Pleader.

ORDER

(Order of the Court was made by T.S.SIVAGNANAM,J)

The petitioner is aggrieved by the impugned proceedings which is an order of eviction passed against the petitioner on the ground that he has encroached the Government property.

2.The action initiated by the second respondent is pursuant to a direction issued by this Court in W.P.(MD)No.73 of 2015 which was filed by one Sakbardeen wherein he sought direction to consider the representation of the petitioner dated 02.09.2013 and take immediate action in terms of Tamil Nadu Panchayats Act, 1994.



3. The allegation made in the said writ petition appears to be that the petitioner herein was an encroacher of Government property, however, in the said writ petition, the petitioner herein was not impleaded as a respondent. This Court by order dated 08.04.2015 disposed of the writ petition with a direction to the respondents to consider the representation of the petitioner therein dated 02.09.2013 and pass appropriate orders on merits and in accordance with law after granting reasonable opportunity to the said writ petitioner as well as any other interested parties. Thus in terms of the direction issued in the earlier writ petition, if the respondents proposed to initiate action, it goes without saying that the petitioner should be put on notice. But the second respondent appears to have not done so and order of eviction has been passed. However, this Court is not inclined to quash the impugned proceedings on that ground but would direct the petitioner to submit his objection to the impugned proceedings within 15 days from the date of receipt of a copy of this order by treating the same as a show cause notice. The second respondent shall consider the objections and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner. Till such time, status quo with regard to the property in question prevailing as on today shall be maintained.

4. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P (MD) Nos. 7291 and 7292 of 2016 are closed.

Sd/-
Assistant Registrar/
Vacation Officer

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram, Ramanathapuram District.
2. The Commissioner,
Mandapam Panchayat Union Office,
Uchipuli, Ramanathapuram District.

+1cc to Mr.C.Muthusaravanan, Advocate, Sr.No.25906

sms

JM/GSV-MP/11.05.2016/2P-4C

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